

HOUSE BILL 1421

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R5
HB 672/03 - JUD

2004 Regular Session
4r3015

By: **Delegates Conway, Bozman, Donoghue, Frush, James, Malone, Moe,
Parrott, Rudolph, and Weir**

Introduced and read first time: February 24, 2004

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Fire and Emergency Services Support Fund - Moving Violations -**
3 **Surcharge**

4 FOR the purpose of establishing the Maryland Fire and Emergency Services Support
5 Fund as a special, nonlapsing fund; providing a certain source of revenue for the
6 Fund; requiring the Fund to be used for certain purposes; requiring the Chief
7 Judge of the District Court to include a certain item in citation forms designed
8 for traffic offenses; requiring a certain surcharge to be added to a fine imposed
9 by the District Court for a conviction for certain moving violations; requiring a
10 police officer issuing a citation for certain moving violations to add a certain
11 surcharge to the amount of the total fine before presenting the citation to the
12 driver being charged; requiring the Comptroller to annually pay certain
13 surcharges collected into the Fund; providing for the application of this Act; and
14 generally relating to surcharges collected for moving violations and the
15 Maryland Fire and Emergency Services Support Fund.

16 BY repealing and reenacting, with amendments,
17 Article - Courts and Judicial Proceedings
18 Section 1-605(d)(8)
19 Annotated Code of Maryland
20 (2002 Replacement Volume and 2003 Supplement)

21 BY adding to
22 Article - Courts and Judicial Proceedings
23 Section 7-301(g)
24 Annotated Code of Maryland
25 (2002 Replacement Volume and 2003 Supplement)

26 BY adding to
27 Article - Transportation
28 Section 27-101.2 and 27-114
29 Annotated Code of Maryland

1 (2002 Replacement Volume and 2003 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article - Courts and Judicial Proceedings**

5 1-605.

6 (d) In addition to the powers and duties granted and imposed in subsections
7 (a), (b), and (c) of this section, or elsewhere by law or rule, the Chief Judge of the
8 District Court shall:

9 (8) After consultation with police administrators and the Motor Vehicle
10 Administrator, design arrest - citation forms that [shall]:

11 (I) SHALL be used by all law enforcement agencies in the State
12 when charging a person with a criminal, civil, or traffic offense, excepting:

13 [(i)] 1. Violations by juveniles listed in § 3-8A-33(a) of this
14 article;

15 [(ii)] 2. Violations of parking ordinances or regulations adopted
16 under Title 26, Subtitle 3 of the Transportation Article; and

17 [(iii)] 3. Other violations as expressly provided by law; and

18 (II) SHALL INCLUDE A LINE ON WHICH TO ADD THE \$50
19 SURCHARGE ASSESSED UNDER § 27-101.2 OF THE TRANSPORTATION ARTICLE; AND

20 7-301.

21 (G) (1) IN A TRAFFIC CASE IN WHICH POINTS MAY BE ASSESSED UNDER §
22 16-402 OF THE TRANSPORTATION ARTICLE, AFTER CONVICTION THE COURT SHALL
23 ADD A \$50 SURCHARGE TO ANY FINE IMPOSED BY THE COURT.

24 (2) THE COMPTROLLER SHALL ANNUALLY PAY THE SURCHARGES
25 COLLECTED UNDER THIS SUBSECTION INTO THE MARYLAND FIRE AND EMERGENCY
26 SERVICES SUPPORT FUND ESTABLISHED UNDER § 27-114 OF THE TRANSPORTATION
27 ARTICLE.

28 **Article - Transportation**

29 27-101.2.

30 (A) AFTER COMPUTING THE FINE TO BE ASSESSED UNDER THE DISTRICT
31 COURT'S SCHEDULE OF PRESET FINES OR PENALTY DEPOSITS, A POLICE OFFICER
32 ISSUING A TRAFFIC CITATION FOR A VIOLATION FOR WHICH POINTS MAY BE
33 ASSESSED UNDER § 16-402 OF THIS ARTICLE SHALL ADD A \$50 SURCHARGE TO THE

1 AMOUNT OF THE TOTAL FINE BEFORE PRESENTING THE CITATION TO THE DRIVER
2 BEING CHARGED.

3 (B) THE COMPTROLLER SHALL ANNUALLY PAY THE SURCHARGES
4 COLLECTED UNDER THIS SECTION INTO THE MARYLAND FIRE AND EMERGENCY
5 SERVICES SUPPORT FUND ESTABLISHED UNDER § 27-114 OF THIS SUBTITLE.

6 27-114.

7 (A) IN THIS SECTION, "FUND" MEANS THE MARYLAND FIRE AND EMERGENCY
8 SERVICES SUPPORT FUND.

9 (B) THERE IS A MARYLAND FIRE AND EMERGENCY SERVICES SUPPORT FUND.

10 (C) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT
11 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

12 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE
13 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

14 (3) INTEREST AND EARNINGS ON THE FUND SHALL BE SEPARATELY
15 ACCOUNTED FOR AND CREDITED TO THE FUND, AND ARE NOT SUBJECT TO § 6-226(A)
16 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

17 (D) THE FUND CONSISTS OF TRAFFIC CITATION SURCHARGES COLLECTED
18 UNDER § 27-101.2 OF THIS SUBTITLE AND § 7-301(G) OF THE COURTS ARTICLE.

19 (E) (1) IN FISCAL YEARS 2005 AND 2006, THE FIRST \$10 MILLION IN THE
20 FUND EACH YEAR MAY BE USED ONLY FOR THE LOW INTEREST REVOLVING LOAN
21 ACCOUNT UNDER THE VOLUNTEER COMPANY ASSISTANCE FUND IN ACCORDANCE
22 WITH THE PROVISIONS OF §§ 8-206, 8-207, AND 8-209 OF THE PUBLIC SAFETY
23 ARTICLE.

24 (2) AFTER THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION
25 ARE MET, THE MONEY IN THE FUND MAY BE USED ONLY AS FOLLOWS:

26 (I) ONE-SIXTH SHALL BE USED FOR THE MARYLAND EMERGENCY
27 MEDICAL SERVICE SYSTEM FUND ESTABLISHED UNDER § 7-313 OF THE STATE
28 FINANCE AND PROCUREMENT ARTICLE;

29 (II) ONE-SIXTH SHALL BE USED FOR THE TRAUMATIC BRAIN
30 INJURY REHABILITATION FUND;

31 (III) ONE-THIRD SHALL BE USED FOR THE SENATOR WILLIAM H.
32 AMOSS FIRE, RESCUE, AND AMBULANCE FUND ESTABLISHED UNDER § 8-102 OF THE
33 PUBLIC SAFETY ARTICLE; AND

34 (IV) ONE-THIRD SHALL BE USED FOR THE FOLLOWING TRAUMA
35 CENTERS:

